

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA

CHARLESTON DIVISION

TAM HUYNH, et al.,

Plaintiffs,

v.

CIVIL ACTION NO. 2:21-cv-00484

ALEJANDRO MAYORKAS, et al.,

Defendants.

ORDER

This action was referred to United States Magistrate Judge Dwane L. Tinsley for submission of proposed findings of fact and recommendations for disposition pursuant to 28 U.S.C. § 636. Magistrate Judge Tinsley submitted his Proposed Findings & Recommendation [ECF No. 15] (“PF&R”) and recommended that I grant Defendants’ Motion to Dismiss [ECF No. 12], dismiss Plaintiffs’ claims as moot, and dismiss this civil action *sua sponte* due to Plaintiffs’ failure to prosecute their claims. Neither party timely filed objections to the PF&R nor sought an extension of time.

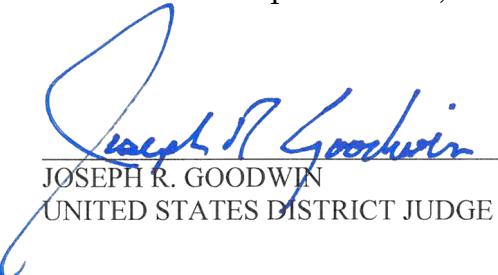
A district court “shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made.” 28 U.S.C. § 636(b)(1)(C). This court is not, however, required to review, under a de novo or any other standard, the factual or legal conclusions of the magistrate judge

as to those portions of the findings or recommendation to which no objections are addressed. *Thomas v. Arn*, 474 U.S. 140, 150 (1985).

Because the parties have not filed objections in this case, the court adopts and incorporates herein the PF&R and orders judgment consistent therewith. The court **GRANTS** Defendants' Motion to Dismiss [ECF No. 12], **DISMISSES** Plaintiffs' claims as moot, **DISMISSES** this civil action due to Plaintiffs' failure to prosecute their claims, and **ORDERS** that this case be removed from the docket.

The court **DIRECTS** the Clerk to send a copy of this Order to counsel of record and any unrepresented party.

ENTER: September 26, 2022



JOSEPH R. GOODWIN

UNITED STATES DISTRICT JUDGE